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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ANNE MACFARLANE,

12 Plaintiff,

13 v.

14 DAVID MACFARLANE and MICHELLE
LEWALLEN,

15 Defendant.

CASE NO. 3:18-cv-05513-RJB

ORDER TO SHOW CAUSE

16 THIS MATTER comes before the Court on a preliminary review of the file. Petitioner
17 requests the return of her children from the State of Washington to Costa Rica pursuant to the
18 Hague Convention on the Civil Aspects of International Child Abduction (“the Hague
19 Convention”) and the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. §§
20 9001, *et seq.* Dkt. 8.

21 Petitioner has filed a Petition for Return of Child. Dkt. 8. Attached to the petition is: (1) a
22 petition for warrant in lieu of a writ of habeas corpus, wherein she requests the three children be
23 *immediately* taken into protective custody and released to Petitioner during any pending ICARA
24

1 proceedings, Dkt. 12, and (2) an “order” for return of the children to Costa Rica, Dkt. 8-1. The
2 case was filed on June 25, 2018, and Respondents have not yet been served.

3 WHEREAS Petitioner has alleged the following:

- 4 1. Petitioner has a right of custody to three children, R■■■ M■■■■■■■■■■ (■■■■/2010),
5 E■■■ K■■■■■■■■■■ (■■■■/2013), and V■■■■ K■■■■■■■■■■ (■■■■/2015), illegally held by
6 Respondent Michelle Lewallen in Vancouver, Washington, who has no legal right to
7 their custody.
- 8 2. The three children were wrongfully removed by Respondent David MacFarlane from
9 Costa Rica by means of manipulating local authorities through false claims to
10 government authorities.
- 11 3. Petitioner believes that the three children will be moved from this jurisdiction or will
12 suffer irreparable harm without court intervention.

13 It is HEREBY ORDERED:

- 14 1. Respondents David MacFarlane and Michelle Lewallen are HEREBY PROHIBITED
15 from removing or causing to be removed from the jurisdiction of this Court the three
16 minor children, R■■■ M■■■■■■■■■■, E■■■ K■■■■■■■■■■, and V■■■■ K■■■■■■■■■■, pending final
17 disposition of the above-reference Petition.
- 18 2. Petitioner, Respondents David MacFarlane and Michelle Lewallen, and the three
19 minor children, are HEREBY ORDERED TO PERSONALLY APPEAR, with or
20 without counsel, at **11 a.m. on Tuesday, July 3, 2018** at this Court, 1717 Pacific
21 Ave. in Tacoma, Washington, Courtroom A, United States District Court. At the
22 hearing, Respondents shall be given the opportunity to SHOW CAUSE, orally and/or
23 in writing, if any they have, why Petitioner’s requests for relief (Dkt. 8, 10, 12,
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1 including all subparts) should not be granted. Those requests for relief include: (1) the
2 three children be taken immediately into protective custody and released to Petitioner
3 while this case is pending; (2) the three children be returned to Costa Rica.

4 3. If Respondents fail to appear at the July 3, 2018 hearing with the three minor
5 children, or remove or cause to remove the children from the jurisdiction of this
6 Court, the Court may issue a warrant for Respondents arrest.

7 4. A copy of this Order, and a copy of the Petition for Return of Minor Child, including
8 all attachments (Dkt. 8, 10, 12, including all subparts), shall be served on
9 Respondents as soon as reasonably possible by the United States Marshal.

10 5. Respondents shall surrender to the U.S. Marshal any passports for the three minor
11 children to be held by the Court for the duration of this case.

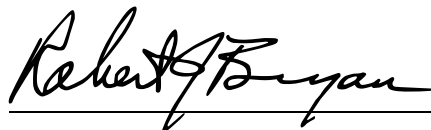
12 6. This Order makes no findings as to the merits of the Petition or any requests for
13 relief.

14 7. Because this Order must contain the names of the three children, a redacted version of
15 this Order shall also be filed to preserve this case as a matter of public record.

16 It is so ordered.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
18 to any party appearing *pro se* at said party's last known address.

19 Dated this 27th day of June, 2018.

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21 ROBERT J. BRYAN
22 United States District Judge
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